

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 07-1857

WARREN DURHAM, JR.
Appellant

v.

CHRISTOPHER MCELYNN, Individually in his capacity as
Assistant District Attorney; BRUCE TACKETT, Individually in
his capacity as Forensic Scientist; JAMES D. WASHBURN,
Individually in his capacity as Police Officer; PATRICK
DURKIN, Individually in his capacity as Police Officer;
FRED P. ANTHONY, In his capacity as Judge; CITY OF ERIE,
Pennsylvania; COUNTY OF ERIE, Pennsylvania

On Appeal From the United States District Court
For the Western District of Pennsylvania
(D.C. Civ. No. 04-cv-00297)
District Judge: Honorable Sean J. McLaughlin

Submitted Under Third Circuit LAR 34.1(a)
October 17, 2007
Before: SLOVITER, BARRY and WEIS, Circuit Judges

JUDGMENT

This cause came on to be heard on the record from the United States
District Court for the Western District of Pennsylvania and was submitted pursuant to
Third Circuit LAR 34.1(a). On consideration whereof, it is now here

ORDERED AND ADJUDGED by this Court that the judgment of the

District Court entered March 15, 2007, be and the same is hereby affirmed. Costs taxed against the Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATED: October 19, 2007

Costs taxed in favor of Appellees Christopher McElynn & County of Erie, as follows:

Brief\$84.00

TOTAL\$84.00

Costs taxed in favor of Appellee, Bruce Tackett, as follows:

Brief\$84.00

TOTAL\$84.00

Costs taxed in favor of Appellees, City of Erie, James Washburn & Patrick Durkin, as follows:

Brief\$84.00

TOTAL\$84.00

**Certified as a true copy and issued in lieu of
a formal mandate on November 13, 2007**

Teste: 
Clerk, U.S. Court of Appeals for the Third Circuit